

**CALENDAR ITEM  
C15**

A     1  
S     1

10/16/15  
PRC 4456.1  
S. Kreutzburg

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

U.S. Trust Company, N.A. and Ute W. Zapf, Co-Trustees of the QTIP Trust Under The Zapf Family Revocable Trust Agreement dated May 5, 1993; and Ute W. Zapf, as Trustee of The Ute W. Zapf Qualified Personal Residence Trust dated November 29, 2012.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Lake Tahoe, adjacent to 2770 West Lake Boulevard, near Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier and two mooring buoys.

**LEASE TERM:**

10 years, beginning September 19, 2015.

**CONSIDERATION:**

\$1,355 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

CALENDAR ITEM NO. **C15** (CONT'D)

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On February 9, 2006, the Commission authorized a Recreational Pier Lease to U.S. Trust Company, N.A. and Ute W. Zapf, Co-Trustees of the QTIP Trust Under The Zapf Family Revocable Trust Agreement dated May 5, 1993; and Ute W. Zapf, Trustee of the Survivor's Trust under the Zapf Family Revocable Trust Agreement dated May 5, 1993. That lease expired on September 18, 2015.
3. On December 7, 2012, one-half interest in the upland parcel transferred to Ute W. Zapf, as Trustee of The Ute W. Zapf Qualified Personal Residence Trust dated November 29, 2012. The Applicant is now applying for a General Lease – Recreational Use.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C15** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to U.S. Trust Company, N.A. and Ute W. Zapf, Co-Trustees of the QTIP Trust Under The Zapf Family Revocable Trust Agreement dated May 5, 1993; and Ute W. Zapf, as Trustee of The Ute W. Zapf Qualified Personal Residence Trust dated November 29, 2012, beginning September 19, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier and two mooring buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,355 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## **EXHIBIT A**

**PRC 4456.1**

### **LAND DESCRIPTION**

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 2 fractional Section 25, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved April 11, 1884, County of Placer, State of California, and more particularly described as follows:

#### **PARCEL 1 – PIER**

All those lands underlying an existing pier, two (2) sets of steps, and one catwalk lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded December 7, 2012 in Document Number 2012-0117133 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

#### **PARCELS 2, 3 – BUOYS (2)**

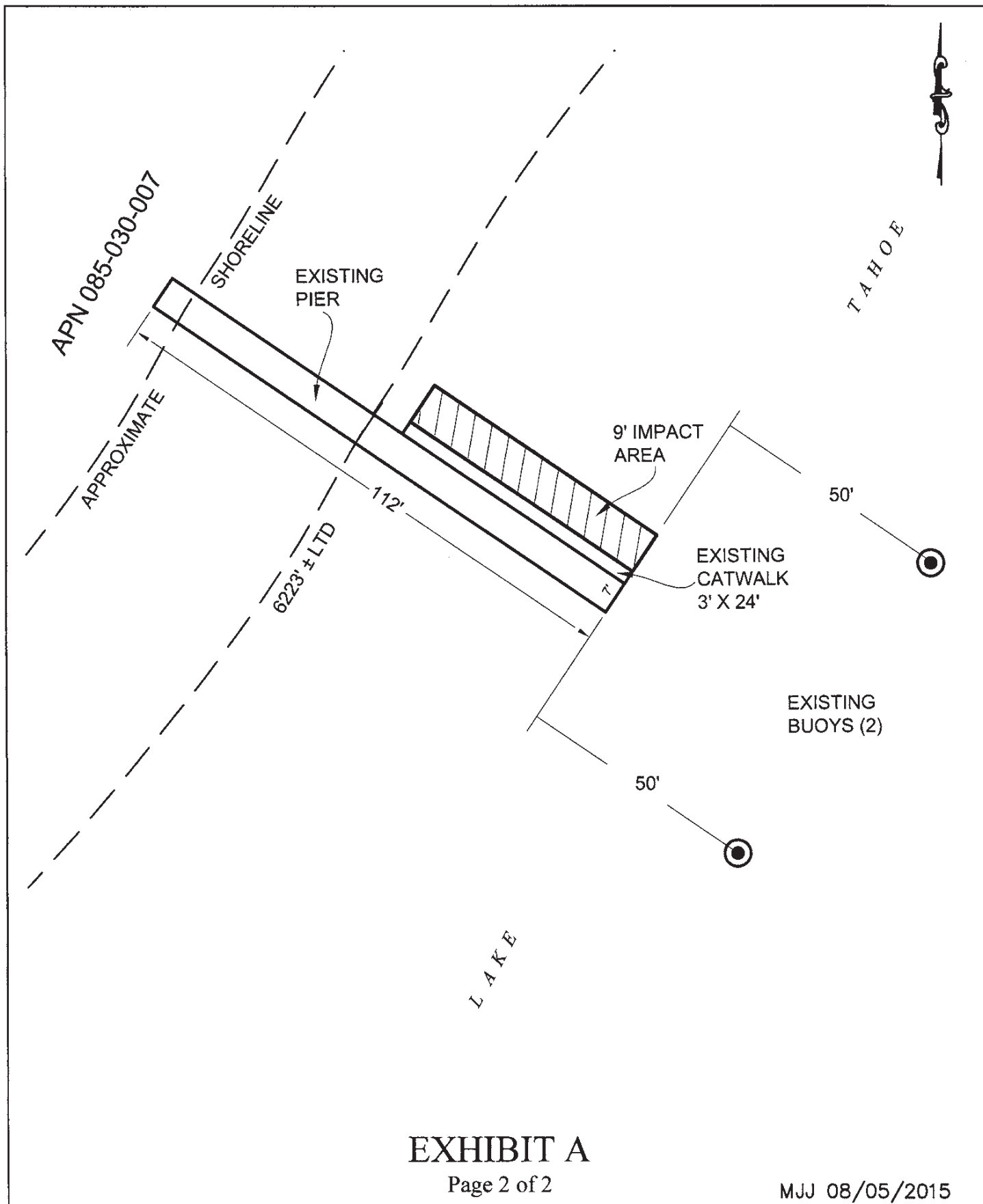
Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to that parcel as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

### **END OF DESCRIPTION**

Prepared August 5, 2015 by the California State Lands Commission Boundary Unit.





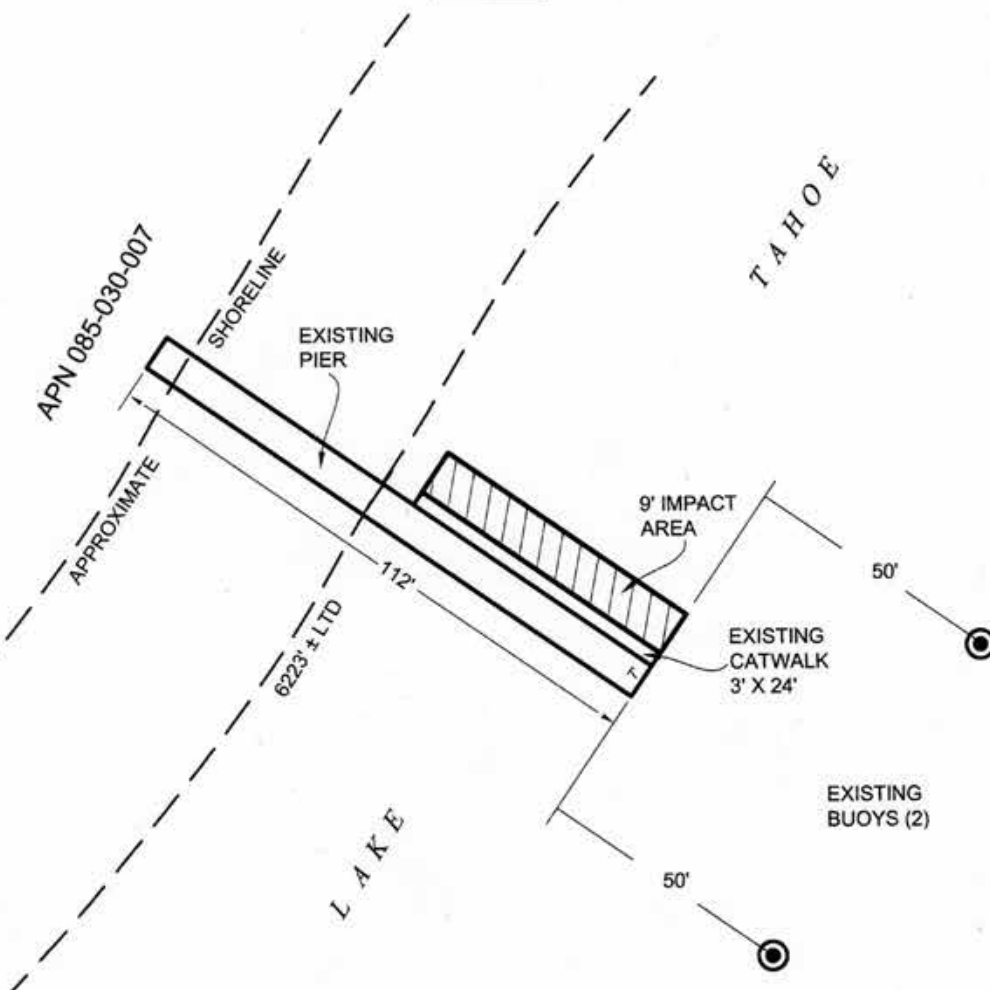
LAND DESCRIPTION PLAT  
PRC 4456.1, ZAPF TRUST  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

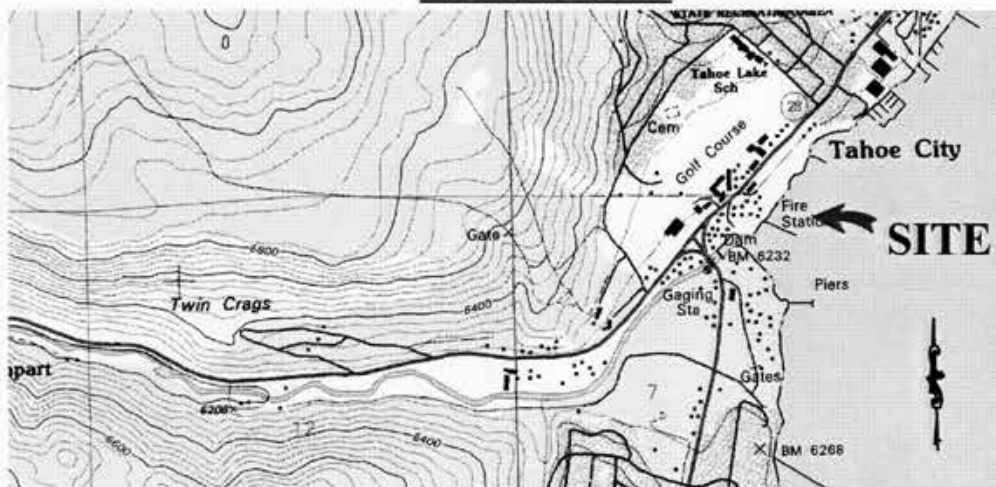
## SITE



2770 WEST LAKE BLVD., NEAR TAHOE CITY

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 4456.1  
ZAPF TRUST  
APN 085-030-007  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



MJJ 08/05/2015